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PHILIP JAMES CAMPAIGNE
101 SLOUGH ROAD
HARVARD, MA 01451

EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,333

Applicant(s)

CAMPAIGNE, PHILIP JAMES

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The Amendment filed May 4, 2005 has been received. According to the Amendment. Claims 26-37 have been canceled and new claims 38-49 have been added. Currently, claims 38-49 are pending in the application.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Claims 38, 39, 44, and 45 are objected to because of the following informalities:

In claims 38, 39, 44, and 45, the recited phrase "one or more data processors" should be changed to "at least one data processor" for clarity. Further, the recited phrase "said data processor(s)" should be changed to "said at least one data processor".

In claim 39, line 5, the word "and" should be deleted.

In claim 45, line 4, the word "and" should be deleted. Further, on line 6, the period (.) should be replaced by "; and"

Appropriate correction is required.
4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 38-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 38:

a) The method step of "guiding reporters on how to collectively self-organize information gathering activities by displaying and committing reporters intentions via said data entry device" (lines 9-12) has not been disclosed in the specification. Note that, "by displaying and committing reporters intentions via said data entry device" has not been disclosed in the specification and does not provide any teaching or support that would make or nearly connected to "guiding reporters on how to collectively self-organize information gathering activities".

Further, applicant's disclosure of "A matrix showing the number of REPORTERS who have already made commitments to report on specific ASPECTS of his chosen CONTEST guides his choice. REPORTERS are motivated to choose the ASPECT with the lowest committed coverage in order to insure complete coverage of the CONTEST." (Substitute Specification filed May 25, 2005, page 19, lines 22-27) provides support to guide reporter's choice of choosing ASPECT to report, not guiding reporters on how to collectively self-organize information gathering activities.

Further note that, applicant's preference to U.S. Patent 6,496,812 for the protocol and value system being used, without incorporated by reference, does not provide support for this claimed limitation.

Furthermore, it is unclear how this method step is being accomplished.

b) The method step of "creating a common perspective among the plurality of reporters to guide collective discovery of valued team-member actions" (lines 13-15) has not been disclosed in the specification. Note that, the applicant discloses a chat system wherein reporters can communicate with each other to share information (Substitute Specification filed May 25, 2005, page 12, lines 3-6) does not provide teaching or support that would create a common perspective among the plurality of reporters to guide collective discovery of valued team-member actions. Further note that, applicant's preference to U.S. Patent 6,496,812 for the protocol and value system being used, without incorporated by reference, does not provide support for this claimed limitation. Furthermore, it is unclear how this method step is being accomplished.

c) The method step of "creating among the plurality of REPORTERS, consistent measuring and valuing of team-members' contributions by processing report data on said data processors" (lines 16-19) has not been disclosed in the specification. Note that, the applicant discloses "Since accuracy is a subjective interpretation of the reporting rules, the assumption is made that plural informed reporters will tend to make similar subjective judgments...therefore, report accuracy is defined as conformance to the norm. The subset of Normal reports for an ASPECT instant have the most frequency occurring ERROR CORRECTION CODE value in the set of ASPECT instant

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reports under consideration (see FIG.5)" (Substitute Specification filed May 25, 2005, page 11, line 25 to page 12, line 3) would not provide the function for "creating among the plurality of REPORTERS, consistent measuring and valuing of team-members' contributions by processing report data on said data processors".

Note that, the reporters' measurement values being collected and grouped only present a data collection report, and does not provide the function for creating a consistent measuring and valuing of team-members' contributions.

Further note that, applicant's preference to U.S. Patent 6,496,812 for the protocol and value system being used, without incorporated by reference, does not provide support for this claimed limitation.

Furthermore, it is unclear how this method step is being accomplished.

d) The limitation of "wherein a plurality of reporters can collectively self-organize to share tasks of role selection,... thereby integrating activity to simulate one omniscient information gatherer" (lines 26-29) has not been disclosed in the specification. Note that, the applicant discloses a chat system wherein reporters can communicate with each other to share information (Substitute Specification filed May 25, 2005, page 12, lines 3-6), not to share tasks. Furthermore, it is unclear how this method step of sharing tasks is being accomplished.

In claim 42:

The limitation of "wherein PLAYERS rely solely on peer-to-peer collaboration in pursuit of the team goal; and further, said reporting is accomplished by the PLAYERS"

has not been disclosed by the applicant. The specification does not disclose a structure to support PLAYERS rely solely on peer-to-peer collaboration in pursuit of the team goal. Further, it is not understandable how reporting is accomplished by the PLAYERS.

In claim 43:

The method step of “developing refinements to existing ASPECTS or discovering additional valuable ASPECTS previously not uncovered, for modification of the reporting measurement rules by reporter collaboration means” has not been disclosed by the applicant. Note that, the applicant only stated “a chat facility is provided for reporters to collaborate in their interpretation and refinement of the reporting rules that reporters must follow.” (Substitute Specification filed May 25, 2005, page 12, lines 3-6); the applicant, however, does not disclose discovering additional valuable ASPECTS previously not uncovered, how such uncovered valuable ASPECTS is being used to modify the reporting rules, and further, the type of rule or value being modified.

In claim 44:

a) The limitation of “signup commitment means for guiding REPORTERS on how to integrate information gathering activities by displaying and committing REPORTERS’ intentions via said data entry device” (lines 9-12) has not been disclosed. Note that, the specification discloses a sign-up mechanism that enables a reporter to choose a contest and aspect to report (Substitute Specification filed May 25, 2005, page

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14, lines 22-31), not to guide REPORTERS on how to integrate information gathering activities.

Further, applicant's disclosure of "A matrix showing the number of REPORTERS who have already made commitments to report on specific ASPECTS of his chosen CONTEST guides his choice. REPORTERS are motivated to choose the ASPECT with the lowest committed coverage in order to insure complete coverage of the CONTEST." (Substitute Specification filed May 25, 2005, page 19, lines 22-27) provides support to guide reporter's choice of choosing ASPECT to report, not to guide reporters on how to integrate information gathering activities.

Further, note that, "by displaying and committing reporters intentions via said data entry device" does not provide any teaching or support that would make or nearly connected to "guiding reporters on how to collectively self-organize information gathering activities".

b) The limitation of "team-member interaction protocol means for creating a common perspective among the plurality of REPORTERS to guide reporters' collective discovery of valued team-member actions" (lines 13-16) has not been disclosed in the specification. Note that, the applicant discloses a chat system enables reporters to communicate with each other to share information, develop consensus and formulate group recommendations (Substitute Specification filed May 25, 2005, page 12, lines 3-6; and page 29, last paragraph), however, it does not provide support for creating a common perspective among the plurality of reporters to guide collective discovery of valued team-member actions.

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c) The limitation of "team goal-achievement value system means employed by the plurality of REPORTERS to create consistent measuring and valuing of team-members' contributions by processing report data on said data processors" (lines 17-20) has not been disclosed in the specification.

Note that, applicant's preference to U.S. Patent 6,496,812 for the protocol and value system being used, without incorporated by reference, does not provide support for this claimed limitation.

d) The limitation of "wherein a plurality of reporters can collectively self-organize to share tasks of role selection, ... thereby integrating activity to simulate one omniscient information gatherer" (lines 26-29) has not been disclosed in the specification. Note that, the applicant discloses a chat system wherein reporters can communicate with each other to share information (Substitute Specification filed May 25, 2005, page 12, lines 3-6), not to share tasks.

In claim 46:

The re-enforcement learning means and proficiency skill level means have not been disclosed by the applicant. Further, it is unclear how this means is materialized.

In claim 48:

The limitation of "wherein PLAYERS rely solely on peer-to-peer collaboration in pursuit of the team goal; and further, said reporting is accomplished by the PLAYERS" has not been disclosed by the applicant. The specification does not disclose a structure

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to support PLAYERS rely solely on peer-to-peer collaboration in pursuit of the team goal. Further, it is not understandable how reporting is accomplished by the PLAYERS.

In claim 49:

The reporter collaboration means for "developing refinements to existing ASPECTS or discovering additional valuable ASPECTS previously not uncovered, for modification of the reporting measurement rules [by reporter collaboration means]" has not been disclosed by the applicant. Note that, the applicant only stated "a chat facility is provided for reporters to collaborate in their interpretation and refinement of the reporting rules that reporters must follow." (Substitute Specification filed May 25, 2005, page 12, lines 3-6); the applicant, however, does not disclose means for discovering additional valuable ASPECTS previously not uncovered, how such uncovered valuable ASPECTS being used to modify the reporting rules, and further, the type of rule or value being modified.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 38, as best understood, is rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg (6,240,415).

Blumberg teaches a method for a plurality of reporters (sports fans, shareholders or participants) to collectively report team-member activity that is causal to team achievement (e.g., analyzing player's performance and making decisions regarding players' awards)(2:42-3:53; 5:45-52), comprising:

- providing at least a data processor for receiving and processing report data (processor from user's computer terminals 40 and 46, or web servers 10 and 12) (Figs. 1-3; 6:66-7:30);
- providing memory for storing report data (memory from user's computer terminals 40 and 46, or web servers 10 and 12);
- providing data entry device for inputting and outputting data (Fig. 3; 8:29-9:17; 10:35-41);
- guiding reporters (sports fans, shareholders or participants) on how to integrate information gathering activities by displaying and committing fans' decisions via said data entry device (2:42-3:25; 7:2-6; 9:46-67; 13:50-57);
- creating a common perspective among the plurality of reporters to guide collective discovery of valued team-member actions (11:21-31);
- creating among the plurality of reporters (sports fans, shareholders or participants) consistent measuring and valuing of team-members' contributions by processing report data on said data processors (13:54-57);

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- creating composite reports, storing and retrieving them from said memory (4:65-5:24; 5:45-52); wherein said data processors, memory and data entry device are connected to a data communications network to process, store and communicate data (Figs. 1-2), and wherein a plurality of reporters can collectively self-organize to share tasks of role selection (fans access chooses to vote) (10:62-65), information discovery and information reporting, thereby integrating activity to simulate one omniscient information gatherer (11:21-31; 13:54-57).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 39, 41-45, and 47-49, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg (6,240,415) in view of Mintz (6,250,930).

Regarding claim 44, Blumberg teaches a system for a plurality of reporters (sports fans, shareholders or participants) to collectively report team-member activity that is causal to team achievement (e.g., analyzing player's performance and making decisions regarding players' awards)(2:42-3:53; 5:45-52), comprising: at least a data processor for receiving and processing report data (processor from user's computer terminals 40 and 46, or web servers 10 and 12) (Figs. 1-3; 6:66-7:30); a memory for storing report data (memory from user's computer terminals 40 and 46, or web servers

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10 and 12); a data entry device for inputting and outputting data (Fig. 3; 8:29-9:17; 10:35-41); sign-up commitment means for guiding reporters (sports fans, shareholders or participants) on how to integrate information gathering activities by displaying and committing fans' decisions via said data entry device (2:42-3:25; 7:2-6; 9:46-67; 13:50-57); team goal-achievement value system means employed by the plurality of reporters (sports fans, shareholders or participants) to create consistent measuring and valuing of team-members' contributions by processing report data on said data processors (13:54-57); means to record report data and create composite reports, storing and retrieving them from said memory (4:65-5:24; 5:45-52); wherein said data processors, memory and data entry device are connected to a data communications network to process, store and communicate data (Figs. 1-2), and wherein a plurality of reporters can collectively self-organize to share tasks of role selection (fans access chooses to vote) (10:62-65), information discovery and information reporting, thereby integrating activity to simulate one omniscient information gatherer (11:21-31; 13:54-57).

Blumberg does not explicitly teach the limitations of team-member interaction protocol means for creating a common perspective among the plurality of reporters to guide reporters' collective discovery of valued team-member actions (claim 44);

Mintz, however, disclosed a multi-functional communication and aggregation platform system and method comprising team-member interaction protocol means (chat system in combination with e-Logic aggregation engine) for creating a common perspective among the plurality of reporters to guide reporters' collective discovery of valued team-member actions (9:57-65). It would have been obvious to a person of

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ordinary skill in the art at the time of the invention was made to combine the team-member interaction protocol of Mintz to Blumberg's management interactive system to provide interactive communication among network participants and eliminate data redundancy for faster information feedback.

Regarding claims 39 and 45, Blumberg teaches all limitations of claims 38 and 44 above. Blumberg further teaches means for deterring hostile attempts to report false data (13:37-44; 14:25-43). Blumberg does not explicitly teach the limitations of means for recording redundant reports in memory and selecting a representative report from each set of redundant reports; and means for aggregating said representative reports via said data processors (claim 45)(or claim 39 for steps thereto). Mintz, however, teaches means for recording redundant reports in memory and selecting a representative report from each set of redundant reports (collect responses and filter them)(Fig. 1, step 140); and means for aggregating said representative reports via said data processors (e-Logic Aggregation Engine). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the data filter of Mintz to Blumberg's interactive system to enhance the accuracy and integrity of the collection data system.

Regarding claims 41 and 47, Blumberg further teaches the boundary of the contest is extended to include reporters (sports fans, shareholders or participants) as participants in the on-going contest by providing players with real-time feedback of the effectiveness of team-member actions (11:13-20); and integrating and reporting of

contest analysis to contest players for re-enforcement learning to guide action choices during a contest via said data entry device (5:45-52).

Regarding claims 42 and 48 wherein players rely solely on peer-to-peer collaboration in pursuit of the team goal; and further, said reporting is accomplished by the players; the examiner hereby take an Official Notice that these limitations are well known in team sports, e.g., basketball players in a team rely on each other to score the basket, and players reporting game by answering interviews.

Regarding claims 43 and 49, Blumberg further teaches developing refinements to existing aspects for modification of the reporting measurement rules by reporter collaboration means (3:49-67).

10. Claims 40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg and Mintz as applied to claims 39 and 45 above, and further in view of Abbott et al. (6,135,881).

Blumberg and Mintz teach all limitations of claims 39 and 45 above. Blumberg and Mintz also teach sharing reporters' (sports fans', shareholders' or participants') knowledge and observation by collaboration means (chat system in combination with e-Logic aggregation engine) as addressed above.

Blumberg and Mintz do not teach the limitations of refining reporting skills by re-enforcement learning means including: apprising reporter of reporting accuracy in relation to a standard by report quality feedback means via said data entry device; and establishing a reporter's reputation for reporting by proficiency skill level means. Abbott

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et al., however, teaches a system and method for sports forecasting game comprising the limitations of refining reporting skills by re-enforcement learning means (game player learning from viewing their progress, 9:22-33) including: apprising reporter (game player) of reporting (forecasting) accuracy in relation to a standard by report (forecast) quality feedback means via said data entry device; and establishing a reporter's reputation for reporting by proficiency skill level means (ranking game player) (9:34-46). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the ranking system of Abbott et al. to the interactive gaming system and method, as taught by Blumberg and Mintz, to provide sports fans a realistic competitive game environment thus motivate interactive competitions and attract more game players to the game network.

11. Applicant's arguments with respect to claims 38-49 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN


XUAN M. THAI
SUPERVISORY PATENT EXAMINER

TC3700